

REMARKS

Pending Claims:

In this application, claims 7-9; 18-24 and 27-30 are currently pending.

Rejection under 35 U.S.C. §102(b)

Various groups of claims have been rejected under §35 U.S.C. 102(e). In Applicant's response he has amended the independent claims 7 and 28 to explicitly set forth the structure required to achieve "wall attachment" or the "Coanda effect" as described in more detail in the specification where page 8 and the construction of Fig. 2 serves as an exemplary embodiment. This wall attachment effect is a linking feature exhibited by all the embodiments in the specification of the applicant and it is not present in any of the applied references. Therefore the inclusion of this feature obviates the anticipation rejections.

In general, each of the method claims now carries apparatus limitations that restrict the reading of the claim solely onto those devices that eject a fluid adjacent a wall of the catheter. More particularly the jet needs to be deflected by the wall by the pressure drop across the jet caused by entrainment. This is not a "functional" result, but rather the direct and necessary result of the structure called for in the claims.

Applicant will describe with respect to each of the applied references why the applied references lack the structure recited by the Applicant in his amended claims.

Nash '323

In Nash the injected flow is labeled as Q1 in the figures and is best seen in Fig. 3 and Fig. 5. There is no wall of the catheter adjacent the orifice that Q1 and Q3 leave from and there is no wall attachment. In fact Fig. 5 shows quite clearly the injected flow moves both retrograde and antegrade in Fig. 5 See for example the motion arrows at the tip of the device.

Levin '567

In Levin there holes are used to inject supplemental blood into the kidney. Note the symmetry of the device next to the holes once again there is no wall for fluid to attach to adjacent the fluid injection gap or slit and for this reason the claim does not read on to Levin.

Fischell '425

In Fischell the fluid enters through holes 32a seen in figure 6. There is no wall to attaché to in that location and the retrograde fluid is induced solely by leakage out the more proximal sheath. The structure is missing and for that reason there is no deflection of the jet as called for in the claims.

Zadno-Azizi '074

In Zadno-Azizi in each instance where irrigation fluid is injected it enters the vessel though the open end of a simple tube. There is no wall present for the fluid to attach to. There is no pressure difference created across the incoming jet of fluid and there is no deflection of the jet of fluid. The absence of the wall structure required by the claims prevent this patent from practicing the invention claimed by applicant.

CONCLUSION

All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is solicited.

Date: 7/1/04

Respectfully submitted,
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